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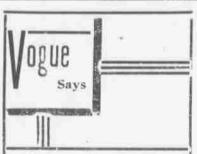


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BOARD OF GENERAL APPRAISERS DECIDES TACKLE PAYS 45 PER CENT.

DECISION THAT AFFECTS LOCAL IMPORTATION.

Decision Handed Down in a Protest From San Francisco that has Considerable Interest in Honolulu.

A decision which is of more than usual interest to Honolulu people, has just been handed down by the United States Board of General Appraisers at New York. The decision is upon a protest taken by Lillenthal and Company of San Francisco against the decision of the collector of customs at San Francisco, regarding the rate of duty to be charged on imported steam-plow machinery. The decision of the Board of General Appraisers holds in substance as follows that "Steam plow machinery, consisting of engines and tackle for operating steam plows, is not classifiable as "plows" under paragraph 460, tariff act of 1897, but is dutable under paragraph 1903 as manufactures of metal at 45 per cent ad valorem. It seems, however, that plows operated by such machinery are properly dutiable at 20 per cent ad valorem, as "plows," under paragraph 460."

Local interest is attached to the de-

460."
Local interest is attached to the decision from the fact that Macfariane and company have several protests of similar character on file against the action of the local collector of the port The matter has been before the Federal Appraisers for some time.

The full text of the decisions follows. It is understood that the matter will be further contested however by an appeal to the United States court at San

ceal to the United States court at San

The merchandise covered by this protest was imported from Leeds, England, into the port of San Francisco, and is involced as follows: "21 packages and cases stram plowing tackle," valued at £1,870 4s, 6d., and also "10 packages and cases of ploughs," valued at £440 9s, 6d. In making their consumption entry of the goods, the importers en-tered the articles as an entirety, under the designation of steam plows, valued at £2,305 lis. The collector assessed duty upon the plows at 20 per cent ad valorem under the provisions of para-

graph 460 of the tariff act of July 24, 1897, which reads as follows: 469. Plows, tooth and disk harrows, harvesters, reapers, agricultural drills, and planters, mowers, horserakes, cultivators, threshing machines and coton gins, twenty per centum ad valo-

The steam plow machinery was assessed at 45 per cent ad valorem under paragraph 193 as manufactures of met-al not specially provided for in said act. The nature of the machinery, in-cluding the plows and their method of operation, is illustrated by the accom-panying photographs, which are made t part of the evidence in this case. The whole importation in fact consists of plows and of steam engines in a knocked-down condition, the engine being used as the instrumentality for providing the power for operating the plows by means of a drum and wind-ing gear in which a wire rope works, pulling the cutting apparatus of the plows back and forth from one engine to the other, two engines being used in the operation of plowing.

The brief of the importers states heir contention as follows: The question at issue is whether the steam plow, consisting of the cutting pieces, engines, and tackle, should be assessed as a plow at 20 per cent ad valorem, or the different parts of the said steam plow separated, and the part that cuts the earth assessed as a plow, and the other parts of the steam plow, to wit, the engines, tackle, etc., assessed as manufactures of metal at

45 per cent ad valorem. In other words, it is contended that the steam plow machinery and attach-ments, including the plows, should be considered as an entirety, and classi-fied for duty at 20 per cent under said paragraph 460 as a plow of the kind there described.

Plows do not appear to have been enumerated eo nomine in any of our tariff acts prior to that of August 28, 1884. In the free list of this act, the following paragraph appears:

591. Plows, tooth and disk harrows, harvesters, reapers, agricultural drills, and planters, mowers, horserakes, cul-tivators, threshing machines and coton gins: Provided, That all articles mentioned in this paragraph if importd from a country which lays an im-ort duty on like articles imported rom the United States, shall be subect to the duties existing prior to the

assage of this Act. According to the ordinary or dictionry definition, the word "plow" signi-

An implement (usually drawn by horses or oxen, or by steam or other mechanical power) for turning over, stirring, cutting, furrowing, or breaking up the soil, as in the various oper-ations of tillage. It is observed in the Standard Dic-

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the beam, a landside or flat side that presses against the land to ald in guiding the plow, etc., a beam by which the plow is drawn, handles by which the plowman steadles and guides the implements, and frequently colter for cutting the furrow-slice

om the land. No evidence has been offered to the No evidence has been offered to the Hoard to substantiate the proposition that the word 'plow' is used in the tariff act in any other than its ordinary meaning. The word is used in said paragraph 480 in connection with other well-known agricultural implements, such as harrows, harvesters, reapers' mowers, cultivators, threshop mechines, colton gins, str. These ing machines, cotton gins, etc. The construction of the paragraph must necessarily be governed by the well-settled rule of statutory construction designated as the principle of noscitur a socias or ejusdem generis. This principle is based upon the general prop-osition that articles grouped together in any statutory nomenciature "are to be deemed of a kindred nature, and of kindred materials, unless there is something in the context which repels that inference." (Adams v. Bancroft, I Fed. Cas., 84, followed in In re Mihalovitch, G. A. 4296; Dodge v. United States, 84 Fed. Rep., 449; Butterfield v. Arthur, 16 Blatch., 216; 4 Fed. Cas., 921,

We are clearly of the opinion that steam plow machinery, consisting of engines, with the necessary tackle and accompaniments which constitute the power by which the plow is operated, was not intended by Congress to fall within the purview of the above paragraph. The mere fact of calling the ntire importation a steam plaw or seof steam plows would not make it a plow for tariff purposes, masmuch as plow for tariff purposes, inasmuch as it is not a plow within the ordinary meaning of that word. This view is rendered perfectly clear by the tariff act of June 6, 1872, (Ch. CCCXV, 17 Stat. L., p. 230, 1872, (Ch. CCCXV, 17 Stat. L., p. 237) is attached to section 7 of said act, namely, that—

For the term of two years from and after the passage of this Act, and no longer, steam plow machinery adapted to the cultivation of the soil, may be

to the cultivation of the soil, may be imported by any person for his own use, free of duty, subject to such regulations of the Secretary of the Treasury as before provided.

This act expired on June 6, 1874, and has never since been in force. It evidently contemplates "steam-plow ma-chinery," which term accurately describes the engine and apparatus in-cluded in the present importation as something distinctly different from the implements which the engines are designed to operate. In constraing stat-utes, especially those relating to the revenue, it is a well-scatled rule of con-struction that previous statutes in parl materia may be properly referred to for the purpose of throwing light upon the legislative intent. (Stern v. United States, 105 Fed. Rep., 937; 45 C. C. A., 141) It is manifest that the application of this principle would lead to the application of to the conclusion that the word "plow," as used in the present tariff act, was not intended by Congress to include steam-plow machinery of the kind now under consideration; he collector correctly classified the articles as manufactures of metal, under paragraph 193,

The protest is overruled and the de-cision of the collector affirmed, *

J. D. Spreckels, multi-millionaire, who controls a great share of the in-dustries of the Hawaiian Islands. Is contemplating connecting the Islands by wireless telegraph with San Fran-cisco, according to the Chicago Chro-nicles' Los Angeles correspondent. Experts in his employ are installing a sys-tem between Los Angeles and Cata-lian island, 40 miles out in the Pacific. If the work there is entirety satisfactory, Mr. Spreckels will at once begin figuring on the Hawailan system Mr. Spreckels is owner of the Oceanic steamship company, four vessels of which ply between the islands and San Francisco. These also will be fit-ted up with the wireless apparatus, re-gulated to the instruments placed at San Francisco and Honolulu.

SHE WORE THE "PANTS." BALTIMORE, Md., June 25.—Attired in a nobby, neat-fitting suit of black, drop-stitched socks, low-cut hat, patent leather shoes, and a stylish straw hat, "Herman G. Woods," alias Miss Lota A. Sawyer, was arraigned in the Northwestern police station this morn-station that the benefit of the station that the stat ng on the technical charge of obtaining money under false pretenses, and committed for a further hearing. For six years Miss Sawyer has successfully masqueraded as a man, and she has smoked cigarettes and played the races in the most approved style. Her un-doing came when she wedded Mrs. Ernestine L. Rauck, a widow of 35, with two children, with whom "Wood" had been boarding for several months. The marriage was celebrated a week ago, Last night the "bride" appeared at the residence of the Rev. Anthony Bilkousky who performed the cere-mony, and hysterically informed the minister that her supposed husband was of the same sex as herself. The minister informed the police and the young woman was arrested.

WEDS HER FIFTH HUSBAND. NEW YORK, July 2 .- A cable to the Herald from Berlin says: Mme, Car-reno, the distinguished planist of Am-The characteristic parts of the ordinary plow are a share for slicing the dinary plow are a share for slicing the second husband. Her third was the second husband, whom she married the second husband with the second husband. earth at the bottom of the furrow, a second husband. Her third was the mold-board for turning over the carth planist M. D'Albert, whom she married thus sliced, a standard or sheth connecting the share and mold-board with years ago.

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